

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TOSHIBA CORPORATION,

Plaintiff,

v.

IMATION CORP., *et al.*,

Defendants.

SPECIAL VERDICT
LIABILITY

09-cv-305-slc

WE THE JURY FOR OUR SPECIAL VERDICT FIND:

I. INFRINGEMENT

A. U.S. PATENT NO. 5,831,966 (THE '966 PATENT)

1. Has Toshiba proven by a preponderance of the evidence that any of the defendants have **directly infringed Claim 1** of the '966 Patent?

Direct Infringement '966 Patent, Claim 1	Answer "Yes" or "No"
Imation Corp.	NO
Moser Baer India Ltd.	NO
Ritek Corp.	NO
CMC Magnetics Corp.	NO
Advanced Media Inc.	NO
Hotan Corp.	NO

2. Has Toshiba proven by a preponderance of the evidence that any of the defendants have induced any user in the United States to infringe Claim 1 of the '966 Patent?

Induced Infringement '966 Patent, Claim 1	Answer "Yes" or "No"
Imation Corp.	Yes
Moser Baer India Ltd.	Yes
Ritek Corp.	Yes
CMC Magnetics Corp.	Yes
Advanced Media Inc.	No
Hotan Corp.	No

B. U.S. PATENT NO. 5,892,751 (THE '751 PATENT)

3. Has Toshiba proven by a preponderance of the evidence that any of the defendants have induced any user in the United States to infringe Claim 1 of the '751 Patent?

Induced Infringement '751 Patent, Claim 1	Answer "Yes" or "No"
Imation Corp.	Yes
Moser Baer India Ltd.	Yes
Ritek Corp.	Yes
CMC Magnetics Corp.	Yes
Advanced Media Inc.	No
Hotan Corp.	No

4. Has Toshiba proven by a preponderance of the evidence that any of the defendants have **induced any user in the United States to infringe Claim 2** of the '751 Patent?

Induced Infringement '751 Patent, Claim 2	Answer "Yes" or "No"
Imation Corp.	Yes
Moser Baer India Ltd.	Yes
Ritek Corp.	Yes
Advanced Media Inc.	NO
CMC Magnetics Corp.	Yes
Hotan Corp.	NO

5. Has Toshiba proven by a preponderance of the evidence that any of the defendants have **induced any user in the United States to infringe Claim 4** of the '751 Patent?

Induced Infringement '751 Patent, Claim 4	Answer "Yes" or "No"
Imation Corp.	Yes
Moser Baer India Ltd.	Yes
Ritek Corp.	Yes
Advanced Media Inc.	NO
CMC Magnetics Corp.	Yes
Hotan Corp.	NO

II. INVALIDITY OF '966 PATENT BECAUSE OF ANTICIPATION BY PRIOR ART

6. Do you find that defendants have proven by clear and convincing evidence that claim 1 of the '966 patent is invalid because it was anticipated by prior art?

Yes _____

No ✓

III. PRE-SUIT NOTICE

A. THE '966 PATENT

If you have found that any of the defendants listed below directly infringed or induced any user to infringe the '966 Patent, then you must answer Question No. 7 for that defendant.

If you have found that a particular defendant listed below did not directly infringe and did not induce any user to infringe the '966 Patent, then do not answer Question No. 7 for that defendant, and leave the box blank next to that defendant.

7. Has Toshiba proven by a preponderance of the evidence that any of these four defendants were notified of their infringement of the '966 patent prior to the filing of this lawsuit?

Pre-Suit Notice '966 Patent	Answer "Yes" or "No" or Leave Blank
Imation Corp.	Yes
Moser Baer India Ltd.	Yes
Ritek Corp.	Yes
CMC Magnetics Corp.	Yes

B. THE '751 PATENT

If you have found that any of the defendants listed below induced any user to infringe the '751 Patent, then you must answer Question No. 8 for that defendant.

If you have found that a particular defendant listed below did not induce any user to infringe the '751 Patent, then do not answer Question No. 8 for that defendant, and leave the box blank next to that defendant.

8. Has Toshiba proven by a preponderance of the evidence that any of these four defendants were notified of their infringement of the '751 patent prior to the filing of this lawsuit?

Pre-Suit Notice '751 Patent	Answer "Yes" or "No" or Leave Blank
Imation Corp.	Yes
Moser Baer India Ltd.	Yes
Ritek Corp.	Yes
CMC Magnetics Corp.	Yes

Have the presiding juror sign and date this form.

Signed: Gerry Hawer
(Presiding Juror)

Date: 4-12-13

Madison, Wisconsin